

# Collier Shannon Scott



February 2, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Re: U.S. Patent Application No.: 10/074,959**  
**For: MULTI-USE SURGICAL CEMENT DISPENSER APPARATUS AND KIT**  
**FOR SAME**  
**Our Reference No.: 53990-00601**

Dear Sir:

Submitted herewith in connection with the above-identified matter is the following document:

- (1) Fee Transmittal in duplicate (2 pages)
- (2) Amendment & Response (19 sheets)

Please date-stamp the enclosed copy of this letter, thereby acknowledging receipt of the above-identified document.

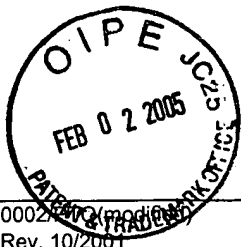
Sincerely yours,

MARK W. RYGIEL, Reg. No. 45,871

Enclosure

MWR/la

3732/18  
Collier Shannon Scott, PLLC  
Washington Harbour, Suite 400  
3050 K Street, NW  
Washington, DC 20007  
202.342.8400 TEL  
202.342.8451 FAX  
Mark W. Rygiel  
Associate  
(202)342-8480  
MRygiel@colliershannon.com



PTO/SB/17 (10-01)(modified)

OMB 0651-0032

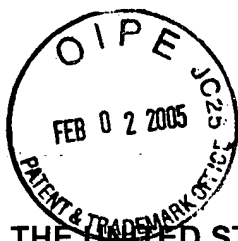
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0002 (Rev. 10/2001) U.S. Department of Commerce Patent and Trademark Office	<b>Complete if Known</b>		
	Application Number	10/074,959	
	Filing Date	February 12, 2002	
	First Named Inventor	Avery J. Evans	
	Group Art Unit	3732	
	Examiner Name	David A. Bonderer	
<b>FEE TRANSMITTAL</b>		Attorney Docket Number	53990-00601
<b>TOTAL AMOUNT OF PAYMENT</b>			
Subtotal (1) + Subtotal (2) + Subtotal (3) =		\$ 350	

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																											
<b>1. The Commissioner is hereby authorized to:</b>		<b>3. ADDITIONAL FEES</b>																																																																																											
<input checked="" type="checkbox"/> Charge the indicated fees to the below mentioned deposit account.		<table border="1"><thead><tr><th>Large Entity Fee Code/Fee</th><th>Small Entity Fee Code/Fee</th><th>Fee Description</th><th>Fee Due</th></tr></thead><tbody><tr><td>105/\$130</td><td>205/\$65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>127/\$50</td><td>227/\$25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td></td></tr><tr><td>147/\$2,520</td><td>147/\$2,520</td><td>For filing a request for reexamination</td><td></td></tr><tr><td>115/\$120</td><td>215/\$60</td><td>Extension for response within first month<sup>†</sup></td><td></td></tr><tr><td>116/\$450</td><td>216/\$225</td><td>Extension for response within second month<sup>†</sup></td><td></td></tr><tr><td>117/\$1020</td><td>217/\$510</td><td>Extension for response within third month<sup>†</sup></td><td></td></tr><tr><td>118/\$1,590</td><td>218/\$795</td><td>Extension for response within fourth month<sup>†</sup></td><td></td></tr><tr><td>128/\$2,160</td><td>228/\$1,080</td><td>Extension for response within fifth month<sup>†</sup></td><td></td></tr><tr><td>119/\$500</td><td>219/\$250</td><td>Notice of Appeal</td><td></td></tr><tr><td>141/\$1,500</td><td>241/\$750</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr><tr><td>142/\$1,400</td><td>242/\$700</td><td>Utility Issue Fee (Or Reissue)</td><td></td></tr><tr><td>143/\$800</td><td>243/\$400</td><td>Design Issue Fee</td><td></td></tr><tr><td>122/\$130</td><td>122/\$130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>126/\$180</td><td>126/\$180</td><td>Submission of Information Disclosure Statement</td><td></td></tr><tr><td>179/\$790</td><td>279/\$395</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>581/\$40</td><td>581/\$40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>146/\$790</td><td>246/\$395</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr><tr><td>149/\$790</td><td>249/\$395</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr><tr><td colspan="2"></td><td>Other fee (specify):</td><td></td></tr><tr><td colspan="2"></td><td>Other fee (specify):</td><td></td></tr><tr><td colspan="2"></td><td><b>SUBTOTAL (3)</b></td><td>\$ 0</td></tr></tbody></table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	105/\$130	205/\$65	Surcharge - late filing fee or oath		127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet		147/\$2,520	147/\$2,520	For filing a request for reexamination		115/\$120	215/\$60	Extension for response within first month <sup>†</sup>		116/\$450	216/\$225	Extension for response within second month <sup>†</sup>		117/\$1020	217/\$510	Extension for response within third month <sup>†</sup>		118/\$1,590	218/\$795	Extension for response within fourth month <sup>†</sup>		128/\$2,160	228/\$1,080	Extension for response within fifth month <sup>†</sup>		119/\$500	219/\$250	Notice of Appeal		141/\$1,500	241/\$750	Petition to revive unintentionally abandoned application		142/\$1,400	242/\$700	Utility Issue Fee (Or Reissue)		143/\$800	243/\$400	Design Issue Fee		122/\$130	122/\$130	Petitions to the Commissioner		126/\$180	126/\$180	Submission of Information Disclosure Statement		179/\$790	279/\$395	Request for Continued Examination (RCE)		581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)		146/\$790	246/\$395	Filing a submission after final rejection (37 CFR 1.129(a))		149/\$790	249/\$395	For each additional invention to be examined (37 CFR 1.129(b))				Other fee (specify):				Other fee (specify):				<b>SUBTOTAL (3)</b>	\$ 0	<b>2. CLAIMS</b>	
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due																																																																																										
105/\$130	205/\$65	Surcharge - late filing fee or oath																																																																																											
127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet																																																																																											
147/\$2,520	147/\$2,520	For filing a request for reexamination																																																																																											
115/\$120	215/\$60	Extension for response within first month <sup>†</sup>																																																																																											
116/\$450	216/\$225	Extension for response within second month <sup>†</sup>																																																																																											
117/\$1020	217/\$510	Extension for response within third month <sup>†</sup>																																																																																											
118/\$1,590	218/\$795	Extension for response within fourth month <sup>†</sup>																																																																																											
128/\$2,160	228/\$1,080	Extension for response within fifth month <sup>†</sup>																																																																																											
119/\$500	219/\$250	Notice of Appeal																																																																																											
141/\$1,500	241/\$750	Petition to revive unintentionally abandoned application																																																																																											
142/\$1,400	242/\$700	Utility Issue Fee (Or Reissue)																																																																																											
143/\$800	243/\$400	Design Issue Fee																																																																																											
122/\$130	122/\$130	Petitions to the Commissioner																																																																																											
126/\$180	126/\$180	Submission of Information Disclosure Statement																																																																																											
179/\$790	279/\$395	Request for Continued Examination (RCE)																																																																																											
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)																																																																																											
146/\$790	246/\$395	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																											
149/\$790	249/\$395	For each additional invention to be examined (37 CFR 1.129(b))																																																																																											
		Other fee (specify):																																																																																											
		Other fee (specify):																																																																																											
		<b>SUBTOTAL (3)</b>	\$ 0																																																																																										
<b>1. FILING FEE</b>																																																																																													
<table border="1"><thead><tr><th>Large Entity Fee Code/Fee</th><th>Small Entity Fee Code/Fee</th><th>Fee Description</th><th>Fee Due</th></tr></thead><tbody><tr><td>101/\$300</td><td>201/\$150</td><td>Utility Filing</td><td></td></tr><tr><td>106/\$200</td><td>206/\$100</td><td>Design Filing</td><td></td></tr><tr><td>108/\$300</td><td>208/\$150</td><td>Reissue</td><td></td></tr><tr><td>114/\$200</td><td>214/\$100</td><td>Provisional Filing</td><td></td></tr><tr><td colspan="2"><b>SUBTOTAL (1)</b></td><td></td><td></td></tr></tbody></table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	101/\$300	201/\$150	Utility Filing		106/\$200	206/\$100	Design Filing		108/\$300	208/\$150	Reissue		114/\$200	214/\$100	Provisional Filing		<b>SUBTOTAL (1)</b>																																																																							
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due																																																																																										
101/\$300	201/\$150	Utility Filing																																																																																											
106/\$200	206/\$100	Design Filing																																																																																											
108/\$300	208/\$150	Reissue																																																																																											
114/\$200	214/\$100	Provisional Filing																																																																																											
<b>SUBTOTAL (1)</b>																																																																																													
<table border="1"><thead><tr><th>Large Entity Fee Code/Fee</th><th>Small Entity Fee Code/Fee</th><th>Fee Description</th></tr></thead><tbody><tr><td>103/\$50</td><td>203/\$25</td><td>Claims in excess of 20</td></tr><tr><td>102/\$200</td><td>202/\$100</td><td>Independent claims in excess of 3</td></tr><tr><td>104/\$360</td><td>204/\$180</td><td>Multiple dependent claim</td></tr><tr><td>109/\$200</td><td>209/\$100</td><td>Reissue independent claims over original patent</td></tr><tr><td>110/\$50</td><td>210/\$25</td><td>Reissue claims in excess of 20 and over original patent</td></tr></tbody></table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	103/\$50	203/\$25	Claims in excess of 20	102/\$200	202/\$100	Independent claims in excess of 3	104/\$360	204/\$180	Multiple dependent claim	109/\$200	209/\$100	Reissue independent claims over original patent	110/\$50	210/\$25	Reissue claims in excess of 20 and over original patent																																																																										
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description																																																																																											
103/\$50	203/\$25	Claims in excess of 20																																																																																											
102/\$200	202/\$100	Independent claims in excess of 3																																																																																											
104/\$360	204/\$180	Multiple dependent claim																																																																																											
109/\$200	209/\$100	Reissue independent claims over original patent																																																																																											
110/\$50	210/\$25	Reissue claims in excess of 20 and over original patent																																																																																											
		<table border="1"><thead><tr><th colspan="2">(Col. 1)</th><th colspan="2">(Col. 2)</th><th colspan="2">(Col. 3)</th><th colspan="2"></th></tr><tr><th>For</th><th>No. of Existing Claims</th><th>Highest No. Previously Paid For</th><th></th><th>Extra**</th><th>Fee</th><th></th><th>Fee Due</th></tr></thead><tbody><tr><td>TOTAL</td><td>31</td><td>or 28</td><td>=</td><td>3</td><td>x 50</td><td>=</td><td>150</td></tr><tr><td>INDEP</td><td>4</td><td>or 3</td><td>=</td><td>1</td><td>x 200</td><td>=</td><td>200</td></tr><tr><td colspan="8">[ ] First presentation of multiple dependent claim</td></tr></tbody></table>		(Col. 1)		(Col. 2)		(Col. 3)				For	No. of Existing Claims	Highest No. Previously Paid For		Extra**	Fee		Fee Due	TOTAL	31	or 28	=	3	x 50	=	150	INDEP	4	or 3	=	1	x 200	=	200	[ ] First presentation of multiple dependent claim																																																									
(Col. 1)		(Col. 2)		(Col. 3)																																																																																									
For	No. of Existing Claims	Highest No. Previously Paid For		Extra**	Fee		Fee Due																																																																																						
TOTAL	31	or 28	=	3	x 50	=	150																																																																																						
INDEP	4	or 3	=	1	x 200	=	200																																																																																						
[ ] First presentation of multiple dependent claim																																																																																													
		* Subtract the greater number of Col. 2		<b>SUBTOTAL (2)</b>		(\$ 350)																																																																																							
		** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3																																																																																											

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Typed or Printed Name	Mark W. Rygiel	Reg. Number	45,871
Signature		Date	February 2, 2005

<sup>†</sup> Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:** Avery J. Evans et al.

**Application Serial No.:** 10/074,959

**Examiner:** D. Bonderer

**Filed:** February 12, 2002

**Group:** 3732

**For:** MULTI-USE SURGICAL CEMENT DISPENSER APPARATUS AND KIT  
FOR SAME

**Attorney Docket #:** SPEC-6150 (53990-00601)

Commissioner for Patents  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE**

Dear Sir:

In response to the Office Action dated November 19, 2004, Applicant respectfully submits the following amendments and remarks. Amendments are provided in the Listing of Claims which begins on page 2 of this paper. Applicants remarks begin on page 11 of this paper.

02/04/2005 AWONDAF1 00000064 032469 10074959

01 FC:1201 200.00 DA  
02 FC:1202 50.00 DA

02/07/2005 AWONDAF1 00000074 032469 10074959

01 FC:1202 100.00 DA